

REMARKS

In the *Examiner's Answer*, the rejections of Claims 4-7, 14-17 and 22 were withdrawn. As such, these claims were objected to as depending from a rejected base claim, but were otherwise found to be in condition for allowance. In order to expedite the allowance and issuance of certain of these claims (namely Claims 4-7 and 22), Applicants are filing the present *Amendment After Final*. In the present paper, Applicants have rewritten Claims 4, 6 and 22 into independent form, thereby placing Claims 4-7 and 22 in condition for allowance. Applicants are also canceling Claims 1-3 and 8-21 without prejudice to Applicants rights to pursue these claims and/or other subject matter supported by the present application in a continuation application. Upon allowance of Claims 4-7 and 22, Applicants hereby authorize Examiner Tolentino to withdraw Applicants' present appeal. If for some reason the present *Amendment After Final* is not deemed to place the case in condition for allowance, Applicants respectfully request that the present *Amendment After Final* not be entered, and that Applicants appeal of the pending rejections be forwarded to the Board of Appeals and Interferences.

In making the above-referenced claim amendments, Applicants are not conceding in this application that the cancelled claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the allowable subject matter identified by the Examiner.

INTERVIEW SUMMARY

Applicants' representative, D. Randal Ayers, contacted Examiner Roderick Tolentino by telephone on December 3, 2007. Applicants' representative advised Examiner Tolentino that in light of the withdrawal of the rejections of various of the claims in the *Examiner's Answer*, Applicants would like to amend the present application to place some of the claims that were now indicated as being directed to allowable subject matter into condition for allowance, and would cancel the remaining claims without prejudice to Applicants rights to continue to pursue such cancelled claims in a continuation application. Allowance of these claims would then moot

In re: Bardsley et al.
Serial No.: 10/624,158
Filed: July 22, 2003
Page 7

the present appeal. Examiner Tolentino indicated that he would talk to his Supervisory Examiner regarding the best way to procedurally effect Applicants' plans.

On December 5, 2007, Examiner Tolentino left Applicants' representative a telephone message in which he stated that Applicants should file an *Amendment After Final* placing the claims at issue into condition for allowance. Applicants are filing the present *Amendment After Final* in view of this suggestion. As noted above, upon allowance of Claims 4-7 and 22, Applicants hereby authorize Examiner Tolentino to withdraw Applicants' present appeal.

Respectfully submitted,

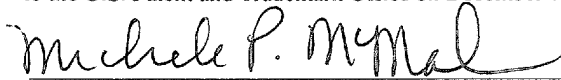


D. Randal Ayers
Registration No. 40,493
Attorney for Appellants

Customer Number 20792
Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428
Raleigh, NC 27627
919-854-1400
919-854-1401 (Fax)

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on December 7, 2007.


Michele P. McMahan

Michele P. McMahan